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VIA HAND DELIVERY

TRA DOCKET ROOM
November 1, 2005

Guy M. Hicks
General Counsel

615 214 6301
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Hon. Ron Jones, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Joint Petition for Arbitration of NewSouth Communications Corp., et al. of
an Interconnection Agreement with BellSouth Telecommunications, Inc.
Pursuant to Section 252(b) of the Communications Act of 1934, as
Amended*
Docket No 04-00046

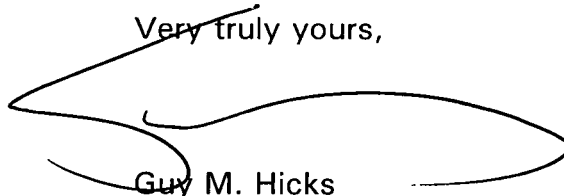
Dear Chairman Jones:

In its Post-Hearing Brief, BellSouth requested that the Authority move Items 26, 36, 37, 38 and 51 to the Generic Proceeding because similar, if not identical, issues are being raised in that proceeding as well. Alternatively, BellSouth requested that, at a minimum, the Authority should defer resolution of these Items until its decision in the change of law proceeding to avoid inconsistent rulings.

Attached for the Authority's information, are 15 copies of a recent ruling from the arbitrators appointed by the Alabama Public Service Commission in its joint CLEC arbitration. The Alabama arbitrators determined that the most appropriate course of action was to not render a decision on these issues in the joint CLEC arbitration until the Commission reached a decision on those issues in the context of its Generic Change of Law Proceeding. The Alabama arbitrators found that this approach would assure that resolution of these issues is coordinated properly with the Alabama Commission's generic docket (Docket 29543).

Copies of the enclosed are being provided to counsel of record.

Very truly yours,



Guy M. Hicks



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
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MONTGOMERY, ALABAMA 36130-4260

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
GEORGE C. WALLACE, JR., ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

In the Matter of Joint Petition of NewSouth
Communications Corp., et. al. For Arbitration
with BellSouth Telecommunications, Inc.

Docket 29242

Ruling

By letter dated July 6, 2005, the Parties in the above referenced arbitration docket filed a Joint Motion stating that Supplemental Issues 109, 110, and 112 relating to the Federal Communications Commission's (FCC's) TRRO are now moot. Accordingly, the Parties jointly requested a ruling from the Commission confirming the mootness of the supplemental issues identified.

In addition, the Parties stated that Issues 23, 108, 111, 113, and 114 are affected by the FCC's release of the TRRO and should be moved to the Commission's Generic Change of Law Proceedings (Docket 29543) for consideration and resolution. Further, to the extent that the Parties do not negotiate otherwise, the Parties requested that the resolution of Issues 23, 108, 111, 113, and 114 be folded back into the above captioned arbitration docket so that they can be incorporated into the arbitrated agreements that result therefrom.

By letter dated July 7, 2005, BellSouth filed a motion requesting that Arbitration Issues 26, 36, 37, 38, and 51 (including subparts) be moved to the Commission's Generic Change of Law Proceedings (Docket 29543) for consideration and resolution. Alternatively, BellSouth

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requested that the Commission postpone any decision on the TRO Arbitration Issues until the Commission decides the issues in the context of the Generic Change of Law Proceedings.

By letter dated July 20, 2005, NewSouth Communications Corp., et. al. filed in opposition of BellSouth's motion stating that TRO-Related Arbitration Issues have already been presented and are awaiting briefing and a determination by the Commission. NewSouth argued that the TRO-Related issues(Issues 26, 36, 37, 38, and 51) are distinct from the unresolved issues related to the Triennial Review Remand Order(Issues 23, 108, 111, 113, and 114). Further, NewSouth indicated it would not be prudent nor efficient to require Joint Petitioners to present their case to the Commission a second time in another docket.

The Panel, hereby, grants the Joint Motion To Move Certain Issues (Issues 23, 108, 111, 113, and 114) to Generic Change of Law Proceedings and to Moot Other Issues (Issues 109, 110, and 112). Issues 23, 108, 111, 113, and 114 will be folded back into this arbitration docket so that they can be incorporated into the arbitrated agreements that result therefrom.

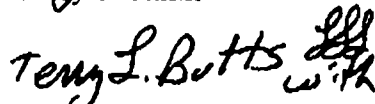
After consideration of the arguments regarding Issues 26, 36, 37, 38, and 51, and consultation with the Commission's Legal Division, the Panel has determined that the most appropriate course of action is not to move issues 26, 36, 37, 38, and 51 to the Generic Change of Law proceedings in Docket 29543 but to postpone any decision regarding these issues until the Commission renders a determination on said issues in the context of the Generic Change of Law Proceedings. Such postponement will assure resolution of these issues is coordinated with the Commission's Generic Change of Law Proceedings (Docket 29543)

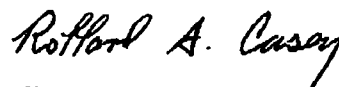
IT IS SO RULED.

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Done at Montgomery, Alabama this 16th day of September, 2005.


Larry S. Smith


Terry L. Butts *with permission*


Rolland A. Casey

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2005, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

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